

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Demetrius Alexander Brown,)	
)	
Plaintiff,)	C/A No. 4:14-4191-TMC
)	
vs.)	ORDER
)	
Dir. Simon Major, Maj. McGhaney,)	
Capt. Theresa Ray-Lee, Capt. Gilliard,)	
Lt. C. Kelly, Lt. McMillan, Sgt. Sweat,)	
Sgt. Reddick, Sgt. Cusandra Wilson,)	
Cpl. T. Moore, Ofc. L. McFadden,)	
Ofc. B. Patton, Ofc. G. Dillard,)	
Ofc. Mereweather, Ofc. Oaks,)	
Ofc. Streeter and Ofc. Vaughn,)	
)	
Defendants.)	
)	

Plaintiff, Demetrius Alexander Brown, proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that Plaintiff's action be dismissed for failure to prosecute his claims or, in the alternative, that Defendants' Motion for Summary Judgment (ECF No. 70) be granted. (ECF No. 78). Plaintiff was advised of his right to file objections to the Report. (ECF No. 78-1). However, no objections have been filed to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the

absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the court adopts the Report (ECF No. 78) and incorporates it herein. Accordingly, Plaintiff’s action is **DISMISSED** for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982). *See Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989). Or in the alternative, Defendants’ Motion for Summary Judgment (ECF No. 70) is **GRANTED**.

IT IS SO ORDERED.

s/Timothy M. Cain
Timothy M. Cain
United States District Judge

November 18, 2015
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.